

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In Re:	)	Case No. 23-03094
	)	
ZBIGNIEW AND ALICJA KOROL,	)	Judge Cleary
	)	
Debtors.	)	Chapter 13

**NOTICE OF MOTION**

To the following parties that have been noticed by CM/ECF electronic delivery:

United States Trustee Patrick Layng: USTPRegion11.ES.ECF@usdoj.gov  
Chapter 13 Trustee Marilyn O. Marshall

To the following parties that have been noticed by first-class U.S. Mail, postage prepaid:

LVNV Funding LLC, % Resurgent Capital Services, PO Box 10587, Greenville, SC 29603  
Bryan Faliero, 55 Beattie Pl., Ste 110, Greenville, SC 29601

**PLEASE TAKE NOTICE** that on July 10, 2023, at 2:30PM, I will appear before the Honorable Judge Cleary, or any judge sitting in that judge's place, **either** in courtroom 642 of the Everett McKinley Dirksen United States Courthouse, at 219 S. Dearborn Street, Chicago, IL 60604, or electronically as described below, and present the **Objection to Claim 2-1 (LVNV Funding, LLC)**, a copy of which is attached.

**All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government (audio only).**

**To appear by Zoom using the internet**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

**To appear by Zoom using a telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and passcode.** The meeting ID for this hearing is 161 122 6457, and the passcode is Cleary644. The meeting ID and passcode can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

By: /s/ Dustin B. Allen  
Dustin B. Allen, Attorney for Debtor

**CERTIFICATE OF SERVICE**

I, , hereby certify that this Notice and all attachments were served in the manner described upon the parties named above, on or before June 11, 2023.

/s/ Dustin B. Allen.  
Dustin B. Allen (#6312451)  
Attorney for Debtor  
8707 Skokie Blvd. #312  
Skokie, IL 60077  
Dustin@FreydinLaw.com  
Phone: 773-980-9004

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Debtors.	)	Chapter 13

**OBJECTION TO CLAIM 2-1 (LVNV FUNDING, LLC)**

NOW COME the Debtors, ZBIGNIEW AND ALICJA KOROL, by and through their attorney, David Freydin, to present this Objection to Claim, and in support thereof, state as follows:

1. The Debtor filed for relief under Chapter 13 of the Title 11 of the United States Code on March 8, 2023.
2. On March 24, 2023, LVNV Funding, Inc., filed claim 2-1 for \$20,486.84. See Exhibit A.
3. In their Proof of Claim, the creditor notes that the last payment was 12/10/2007, and the last transaction was 12/17/2007.
4. Under 11 U.S.C. § 502(b)(1), a claim is allowed “except to the extent that ... such claim is unenforceable against the debtor ... under any agreement or applicable law for a reason other than because such claim is contingent or unmatured....”
5. Under Illinois law, a debt based on a writing is unenforceable 10 years after cause of action accrued, but may be revived by certain actions, such as payments or agreements to make payments. 735 ILCS 5/13-206.
6. Here, the last payments and last transactions were in 2007, more than 15 years prior to the case being filed. No documentation attached to the proof of claim suggests that the debt has become enforceable again.
7. For the foregoing reasons, the Debtors seek the entry disallowing Claim 2-1 because it is unenforceable.

WHEREFORE, the Debtors seek an order sustaining the objection, and for any further relief that

this Honorable Court finds appropriate.

Respectfully Submitted,

/s/ Dustin B. Allen.  
Dustin B. Allen (#6312451)  
Attorney for Debtor  
8707 Skokie Blvd. #312  
Skokie, IL 60077  
Dustin@FreydinLaw.com  
Phone: 773-980-9004